



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 130**

May 13, 2009 – Offered by Representative GUNDRUM.

1     **AN ACT** *to create* 814.63 (3m), 814.65 (4m) and 973.06 (1) (j) of the statutes;  
2     **relating to:** costs of administering tests for intoxication.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3     **SECTION 1.** 814.63 (3m) of the statutes is created to read:

4     814.63 **(3m)** (a) Except as provided in par. (d), if a defendant is required to  
5     appear in court, in addition to any forfeiture, costs, fees, or surcharges it imposes, the  
6     court shall impose and collect from the defendant any costs charged to or paid by a  
7     law enforcement agency for the withdrawal of the defendant's blood if the court finds  
8     that the defendant violated s. 23.33 (4c), 30.681, 346.63, 350.101, or a local ordinance  
9     in conformity therewith.

10     (b) Except as provided in par. (d), if at the time the court finds that the  
11     defendant committed the violation, the law enforcement agency has not paid or been  
12     charged with the costs of withdrawing the defendant's blood, the court shall impose

1 and collect the costs the law enforcement agency reasonably expects to be charged  
2 for the withdrawal, based on the current charges for this procedure.

3 (c) The court shall disburse the amounts it collects under this subsection to the  
4 law enforcement agency that requested the blood withdrawal.

5 (d) The court may not impose on the defendant any cost for an alternative test  
6 provided free of charge as described in s. 343.305 (4).

7 **SECTION 2.** 814.65 (4m) of the statutes is created to read:

8 **814.65 (4m) BLOOD TEST FEE.** (a) Except as provided in par. (d), if a defendant  
9 is required to appear in municipal court, in addition to any forfeiture, costs, fees, or  
10 surcharges it imposes, the municipal court shall impose and collect from the  
11 defendant any costs charged to or paid by a law enforcement agency for the  
12 withdrawal of the defendant's blood if the court finds that the defendant violated a  
13 local ordinance in conformity with s. 23.33 (4c), 30.681, 346.63, or 350.101.

14 (b) Except as provided in par. (d), if at the time the court finds that the  
15 defendant committed the violation, the law enforcement agency has not paid or been  
16 charged with the costs of withdrawing the defendant's blood, the court shall impose  
17 and collect the costs the law enforcement agency reasonably expects to be charged  
18 for the withdrawal, based on the current charges for this procedure.

19 (c) The court shall disburse the amounts it collects under this subsection to the  
20 law enforcement agency that requested the blood withdrawal.

21 (d) The court may not impose on the defendant any cost for an alternative test  
22 provided free of charge as described in s. 343.305 (4).

23 **SECTION 3.** 973.06 (1) (j) of the statutes is created to read:

24 **973.06 (1) (j)** If the defendant violated s. 23.33 (4c), 30.681, 346.63, 350.101,  
25 940.09 (1), or 940.25, any costs charged to or paid by a law enforcement agency for

1 the withdrawal of the defendant's blood, except that the court may not impose on the  
2 defendant any cost for an alternative test provided free of charge as described in s.  
3 343.305 (4). If at the time the court finds that the defendant committed the violation,  
4 the law enforcement agency has not paid or been charged with the costs of  
5 withdrawing the person's blood, the court shall impose and collect the costs the law  
6 enforcement agency reasonably expects to be charged for the withdrawal, based on  
7 the current charges for this procedure. Notwithstanding sub. (2), the court may not  
8 remit these costs.

9 (END)